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09/916,894

07/26/2001

Jon A. Brewster

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01/26/2005

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

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EXAMINER

POKRZYWA, JOSEPH R

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,894

Applicant(s)

BREWSTER ET AL.

Examiner

Joseph R. Pokrzywa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/26/01</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement submitted on 7/26/01 have been considered by the examiner (see attached PTO-1449).

Drawings

2. The drawings received on 7/26/01 are acceptable by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 2, 6, 7, 9, 10, 12, 13, 17, 18, and 20-22** are rejected under 35 U.S.C. 102(b) as being anticipated by Smith *et al.* (U.S. Patent Number 5,630,103).

Regarding *claim 1*, Smith discloses a publication delivery system comprising a printing mechanism for printing a publication (column 5, lines 24-46), and a response system that monitors activity around a physical location of the publication delivery system (column 8, line 66-column 9, line 11), where timing and number of printed publications printed by the

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printing mechanism is based on the activity detected by the response system (column 5, lines 24-65, and column 7, line 14-column 9, line 11).

Regarding *claim 2*, Smith discloses the system discussed above in claim 1, and further teaches that the system is a kiosk (viewing computer 48) and the publication is a newspaper (column 3, lines 13-67).

Regarding *claim 6*, Smith discloses the system discussed above in claim 1, and further teaches of network access, the print delivery system using the network access to update content of the publication (column 5, line 24-column 7, line 40).

Regarding *claim 7*, Smith discloses the system discussed above in claim 1, and further teaches of a storage area for storing printed publications (column 7, lines 58-67), and a time stamp reader for reading a time stamp on a most recently printed publication stored in the storage area (column 6, line 11-column 8, line 26), wherein the print delivery system uses the time stamp to determine freshness of the most recently printed publication stored in the storage area (column 7, line 52-column 8, line 26).

Regarding *claim 9*, Smith discloses a method for distributing a publication by an automated kiosk (subscriber substation 45), comprising the following steps, in response to a customer ordering a publication, performing the following substeps by the kiosk, checking a time stamp on a most recently printed publication stored in a storage area (column 6, lines 48-67, and column 7, line 47-column 8, line 26), determining whether a fresher version of the printed publication is electronically available (column 7, line 47-column 8, line 26), when in the determining substep it is determined that a fresher version of the printed publication is not electronically available, delivering to the customer the most recently printed publication stored in

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the storage area (column 5, lines 11-65, and column 7, line 52-column 8, line 65, see Figs. 6A and 6B), and when in the determining substep it is determined that a fresher version of the printed publication is electronically available and the customer indicates a willingness to wait for printing, obtaining the fresher version of the printed publication, and printing out the fresher version of the publication for delivery to the customer (column 5, lines 11-65, and column 7, line 52-column 8, line 65, see Figs. 6A and 6B).

Regarding *claim 10*, Smith discloses the method discussed above in claim 9, and further teaches that the determining substep comprises contacting, by the kiosk, an electronic publisher of the publication, wherein the electronic publisher performs the following substeps, comparing a checksum for a most recently generated version of the publication with a checksum for the most recently printed publication stored in the storage area (column 6, lines 11-column 8, line 26), and indicating to the kiosk the results of the comparison (column 7, line 52-column 8, line 26).

Regarding *claim 12*, Smith discloses a method for distributing a publication by an automated publication delivery system comprising monitoring activity around a physical location of the automated publication delivery system (column 8, line 66-column 9, line 11), and in response to detection of an increased activity level around the physical location of the automated publication delivery system, printing additional copies of the publication for distribution (column 5, lines 24-65, and column 7, line 14-column 9, line 11).

Regarding *claim 13*, Smith discloses the method discussed above in claim 12, and further teaches that the system is a kiosk (viewing computer 48) and the publication is a newspaper (column 3, lines 13-67).

Regarding *claim 17*, Smith discloses the method discussed above in claim 12, and further teaches that in response to a customer requesting the publication, performing the following substeps, checking a time stamp on a most recently printed publication stored in a storage area (column 6, line 11-column 8, line 26), determining whether a fresher version of the printed publication is electronically available (column 7, line 52-column 8, line 26), when the checking substep determines that a fresher version of the printed publication is not electronically available, delivering to the customer the most recently printed publication stored in the storage area (column 5, lines 11-65, and column 7, line 52-column 8, line 65, see Figs. 6A and 6B), and when in the determining substep it is determined that a fresher version of the printed publication is electronically available, obtaining the fresher version of the printed publication, and printing out the fresher version of the publication for delivery to the customer (column 5, lines 11-65, and column 7, line 52-column 8, line 65, see Figs. 6A and 6B).

Regarding *claim 18*, Smith discloses the method discussed above in claim 12, and further teaches that the determining substep comprises contacting, by the automated publication delivery system, an electronic publisher of the publication, wherein the electronic publisher performs the following substeps, comparing a checksum for a most recently generated version of the publication with a checksum for the most recently printed publication stored in the storage area (column 6, lines 11-column 8, line 26), and indicating to the automated publication delivery system the results of the comparison (column 7, line 52-column 8, line 26).

Regarding *claim 20*, Smith discloses the method discussed above in claim 12, and further teaches of using network access by the automated print delivery system to update content of the publication (column 5, line 24-column 7, line 40).

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Regarding *claim 21*, Smith discloses a publication delivery system comprising a printing mechanism for printing a publication (column 5, lines 24-46), a response system that monitors activity around a physical location of the publication delivery system (column 8, line 66-column 9, line 11), where timing and number of printed publications printed by the printing mechanism is based on the activity detected by the response system (column 5, lines 24-65, and column 7, line 14-column 9, line 11), a storage area for storing printed publications (column 7, line 52-column 8, line 11), and a time stamp reader for reading a time stamp on a most recently printed publication stored in the storage area, wherein the print delivery system uses the time stamp to determine freshness of the most recently printed publication stored in the storage area (column 6, lines 48-67, and column 7, line 47-column 8, line 26), wherein in response to a customer requesting the publication, the time stamp reader checks a time stamp on a most recently printed publication stored in a storage area (column 6, lines 48-67, and column 7, line 47-column 8, line 26) to determine whether a fresher version of the printed publication is electronically available (column 7, line 47-column 8, line 26), and when a fresher version of the printed publication is electronically available, obtains the fresher version of the printed publication, and prints the fresher version out on the printing mechanism for delivery to the customer (column 5, lines 11-65, and column 7, line 52-column 8, line 65, see Figs. 6A and 6B).

Regarding *claim 22*, Smith discloses the system discussed above in claim 21, and further teaches that the customer is given an option to wait for printing out of the fresher version of the publication or to immediately receive an already printed copy of the publication (column 5, lines 11-65, and column 7, line 52-column 9, line 11).

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5. **Claims 1, 3-7, 12, 14-16, and 20** are rejected under 35 U.S.C. 102(e) as being anticipated by Dietz (U.S. Patent Number 6,591,068).

Regarding **claim 1**, Dietz discloses a publication delivery system comprising a printing mechanism for printing a publication (column 7, lines 18-41), and a response system that monitors activity around a physical location of the publication delivery system (column 6, line 34-column 7, line 41), wherein timing and number of printed publications printed by the printing mechanism is based on the activity detected by the response system (column 6, line 34-column 7, line 41).

Regarding **claim 3**, Dietz discloses the system discussed above in claim 1, and further teaches that the response system includes a microphone that is used to monitor noise level (column 2, lines 30-56, and column 5, line 55-column 4, line 21).

Regarding **claim 4**, Dietz discloses the system discussed above in claim 1, and further teaches that the response system includes an optical sensor to detect movement near the publication delivery system (column 5, lines 27-67).

Regarding **claim 5**, Dietz discloses the system discussed above in claim 1, and further teaches that the response system includes a motion detector used to detect movement near the publication delivery system (column 5, lines 27-67).

Regarding **claim 6**, Dietz discloses the system discussed above in claim 1, and further teaches of network access, the print delivery system using the network access to update content of the publication (column 5, line 55-column 6, line 21, and column 7, lines 11-58).

Regarding **claim 7**, Dietz discloses the system discussed above in claim 1, and further teaches of a storage area for storing printed publications (column 7, lines 11-41), and a time

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stamp reader for reading a time stamp on a most recently printed publication stored in the storage area (column 5, lines 45-54, and column 7, lines 18-58), wherein the print delivery system uses the time stamp to determine freshness of the most recently printed publication stored in the storage area (column 7, lines 42-45).

Regarding *claim 12*, Dietz discloses a method for distributing a publication by an automated publication delivery system comprising monitoring activity around a physical location of the automated publication delivery system (column 6, line 34-column 7, line 41), and in response to detection of an increased activity level around the physical location of the automated publication delivery system, printing additional copies of the publication for distribution (column 6, line 34-column 7, line 41).

Regarding *claim 14*, Dietz discloses the method discussed above in claim 1, and further teaches that the monitoring is performed using a microphone to monitor noise level (column 2, lines 30-56, and column 5, line 55-column 4, line 21).

Regarding *claim 15*, Dietz discloses the method discussed above in claim 12, and further teaches that the monitoring step is performed using an optical sensor to detect movement near the automated publication delivery system (column 5, lines 27-67).

Regarding *claim 16*, Dietz discloses the method discussed above in claim 12, and further teaches that the monitoring step is performed using a motion detector used to detect movement near the automated publication delivery system (column 5, lines 27-67).

Regarding *claim 20*, Dietz discloses the method discussed above in claim 12, and further teaches of using network access by the automated print delivery system to update content of the publication (column 5, line 55-column 6, line 21, and column 7, lines 11-58).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 8, 11, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith *et al.* (U.S. Patent number 5,630,103) in view of Aisenberg *et al.* (U.S. Patent Number 6,209,090).

Regarding **claims 8, 11, and 19**, Smith discloses the system and methods discussed above in claims 7, 11, and 12, but fails to expressly disclose if the time stamp is a bar code and the time stamp reader is a bar code reader.

Aisenberg discloses a system that includes a time stamp reader for reading a time stamp on a most recently printed publication stored in a storage area (see Fig. 6, column 10, line 51-column 11, line 55), wherein the system uses the time stamp to determine freshness of the most recently printed publication stored in the storage area (see Fig. 6, and column 11, lines 2-55). Further, Aisenberg teaches that the time stamp is a bar code and the time stamp reader is a bar code reader (column 8, line 56-column 9, line 43).

Smith & Aisenberg are combinable because they are from the same field of endeavor, being systems that provide time stamps on printed media. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the bar code and bar code reader taught by Aisenberg in the system of Smith. The suggestion/motivation for doing so would have been that Smith's system would become more efficient, as the system would

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accurately provide time stamp data in a way that has a reduced number of moving parts and reduced power consumption, as recognized by Aisenberg in column 8, line 63-column 9, line 11. Therefore, it would have been obvious to combine the teachings of Aisenberg with the system of Smith to obtain the invention as specified in claims 8, 11, and 19.

Citation of Pertinent Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Ishizaki *et al.* (U.S. Patent Number 5,884,140) discloses a system that transmits broadcast information to remote terminals; and

Diaz *et al.* (U.S. Patent Number 5,689,648) discloses a system that delivers newspapers over a cable television network.

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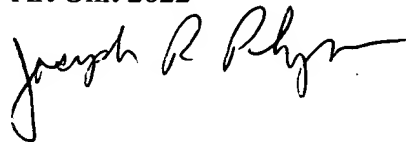
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Examiner
Art Unit 2622



jrp